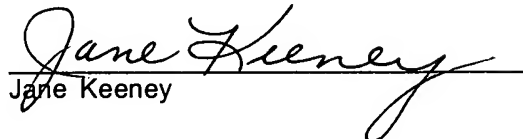


Appln. No. 10/733,970  
Amendment dated April 20, 2005  
Reply to Office Action of: March 24, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on April 20, 2005 with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

  
Jane Keeney

Appln. No. 10/733,970  
Amendment dated April 20, 2005  
Reply to Office Action of: March 24, 2005



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Philip E. Eggers *et al.*  
Serial No. : 10/733,970  
Filed : December 11, 2003  
For : System, Method and Apparatus for Evaluating  
: Tissue Temperature  
TC/AU : 3739  
Examiner : Roy D. Gibson  
Attorney Docket No. : CAL 2-018

Honorable Commissioner for Patents  
Mail Stop Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

### Amendment and Response

Sir:

Responsive to the Office Action mailed March 24, 2005 additional amendments correcting typographical error are submitted herewith and a provisional election with respect to a restriction requirement is provided.

Please amend the above-identified application.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Amendments to the Drawings** begin on page 38 of this paper

**Remarks/Arguments** begin on page 39 of this paper.